

REMARKS

I. Preliminary matters

Claims 1-22 have been examined. Claims 1, 3-7, 9-12, and 14-22, have been rejected under 35 U.S.C. § 102(b), and claims 2, 8, and 13 have been rejected under 35 U.S.C. § 103(a).

Applicants thank the Examiner for acknowledging the claim for priority under 35 U.S.C. § 119, and receipt of the certified copy of the priority document.

Also, the Applicants thank the Examiner for considering the references cited with the Information Disclosure Statement filed on October 15, 2003.

II. Rejection under 35 U.S.C. § 102(b) over U.S. Patent No. 6,512,882 to Tenuissen ("Tenuissen")

Claims 1, 3-7, 9-12, and 14-22 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Tenuissen. Applicants respectfully traverse this rejection.

Claim 1 recites, *inter alia*, that a reproduction control device configures a reproduction transport stream by assigning each PES packet to respective access units. On page 5 of the Office Action, the Examiner maintains that column 2, lines 20+, suggests such features, but Applicants respectfully disagree.

While the cited portion of Tenuissen describes transport stream packets containing packet headers, packet identifiers, program specific information tables, and PES packets, the Examiner does not explain or specify how this disclosure suggests a device that configures the transport stream by assigning each PES packet to respective access units. Furthermore, upon reviewing the reference, Applicants submit that the cited portions, as well as the remaining portions of the reference, fail to teach the above features. If the Examiner maintains the rejection, Applicants respectfully request the Examiner to explain, with particularity, how the claimed features read on Tenuissen.

In light of the discussion above, Applicants submit that claim 1 is patentable over Tenuissen for at least these reasons.

Independent claim 14 recites limitations similar to those present in claim 1 discussed above. Therefore, claim 14 is patentable over Tenuissen for similar reasons. The remaining claims are patentable at least based on their dependency on claim 1 or 14.

III. Rejection under 35 U.S.C. § 103(a) over Tenuissen and U.S. Patent Publ. No. 2002/0085644 to Hayami ("Hayami")

Claims 2, 8, and 13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Tenuissen in view of Hayami. Since the effective U.S. filing date of the present application (i.e., September 4, 2001) is before the effective U.S. filing date of Hayami (i.e., November 13, 2001), Hayami is not prior art to the present application. Accordingly, Applicants submit that the rejection is improper and that claim 8 is patentable and claims 2, and 13 should be allowable based on their dependencies.

IV. Newly added Claims

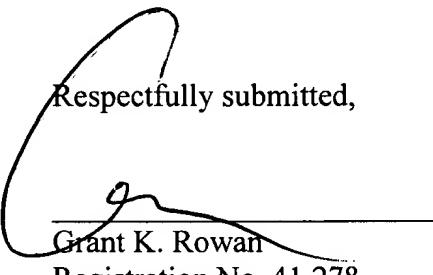
Applicants have added new claims 23-26. Since such claims depend on claim 1 or 14, they are patentable by virtue of their dependency.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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